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Drugs in Portugal: Did Decriminalization Work?

By Maia Szalavitz

Pop quiz: Which European country has the most liberal drug laws? (Hint: It's not the Netherlands.)

Although its capital is notorious among stoners and college kids for marijuana haze-filled "coffee shops," Holland has never actually legalized cannabis — the Dutch simply don't enforce their laws against the shops. The correct answer is Portugal, which in 2001 became the first European country to officially abolish all criminal penalties for personal possession of drugs, including marijuana, cocaine, heroin and methamphetamine.

At the recommendation of a national commission charged with addressing Portugal's drug problem, jail time was replaced with the offer of therapy. The argument was that the fear of prison drives addicts underground and that incarceration is more expensive than treatment — so why not give drug addicts health services instead? Under Portugal's new regime, people found guilty of possessing small amounts of drugs are sent to a panel consisting of a psychologist, social worker and legal adviser for appropriate treatment (which may be refused without criminal punishment), instead of jail. (See the world's most influential people in the 2009 TIME 100.)

The question is, does the new policy work? At the time, critics in the poor, socially conservative and largely Catholic nation said decriminalizing drug possession would open the country to "drug tourists" and exacerbate Portugal's drug problem; the country had some of the highest levels of hard-drug use in Europe. But the recently released results of a report commissioned by the Cato Institute, a libertarian think tank, suggest otherwise.

The paper, published by Cato in April, found that in the five years after personal possession was decriminalized, illegal drug use among teens in Portugal declined and rates of new HIV infections caused by sharing of dirty needles dropped, while the number of people seeking treatment for drug addiction more than doubled.

"Judging by every metric, decriminalization in Portugal has been a resounding success," says Glenn Greenwald, an attorney, author and fluent Portuguese speaker, who conducted the research. "It has enabled the Portuguese government to manage and control the drug problem far better than virtually every other Western country does."

Compared to the European Union and the U.S., Portugal's drug use numbers are impressive. Following decriminalization, Portugal had the lowest rate of lifetime marijuana use in people over 15 in the E.U.: 10%. The most comparable figure in America is in people over 12: 39.8%. Proportionally, more Americans have used cocaine than Portuguese have used marijuana.

The Cato paper reports that between 2001 and 2006 in Portugal, rates of lifetime use of any illegal drug among seventh through ninth graders fell from 14.1% to 10.6%; drug use in older teens also declined. Lifetime heroin use among 16-to-18-year-olds fell from 2.5% to 1.8% (although there was a slight increase in marijuana use in that age group). New HIV infections in drug users fell by 17% between 1999 and 2003, and deaths related to heroin and similar drugs were cut by more than half. In addition, the number of people on methadone and buprenorphine treatment for drug addiction rose to 14,877 from 6,040, after

decriminalization, and money saved on enforcement allowed for increased funding of drug-free treatment as well.

Portugal's case study is of some interest to lawmakers in the U.S., confronted now with the violent overflow of escalating drug gang wars in Mexico. The U.S. has long championed a hard-line drug policy, supporting only international agreements that enforce drug prohibition and imposing on its citizens some of the world's harshest penalties for drug possession and sales. Yet America has the highest rates of cocaine and marijuana use in the world, and while most of the E.U. (including Holland) has more liberal drug laws than the U.S., it also has less drug use.

"I think we can learn that we should stop being reflexively opposed when someone else does [decriminalize] and should take seriously the possibility that anti-user enforcement isn't having much influence on our drug consumption," says Mark Kleiman, author of the forthcoming *When Brute Force Fails: How to Have Less Crime and Less Punishment* and director of the drug policy analysis program at UCLA. Kleiman does not consider Portugal a realistic model for the U.S., however, because of differences in size and culture between the two countries.

But there is a movement afoot in the U.S., in the legislatures of New York State, California and Massachusetts, to reconsider our overly punitive drug laws. Recently, Senators Jim Webb and Arlen Specter proposed that Congress create a national commission, not unlike Portugal's, to deal with prison reform and overhaul drug-sentencing policy. As Webb noted, the U.S. is home to 5% of the global population but 25% of its prisoners.

At the Cato Institute in early April, Greenwald contended that a major problem with most American drug policy debate is that it's based on "speculation and fear mongering," rather than empirical evidence on the effects of more lenient drug policies. In Portugal, the effect was to neutralize what had become the country's number one public health problem, he says.

"The impact in the life of families and our society is much lower than it was before decriminalization," says Joao Castel-Branco Goulao, Portugal's "drug czar" and president of the Institute on Drugs and Drug Addiction, adding that police are now able to re-focus on tracking much higher level dealers and larger quantities of drugs.

Peter Reuter, a professor of criminology and public policy at the University of Maryland, like Kleiman, is skeptical. He conceded in a presentation at the Cato Institute that "it's fair to say that decriminalization in Portugal has met its central goal. Drug use did not rise." However, he notes that Portugal is a small country and that the cyclical nature of drug epidemics — which tends to occur no matter what policies are in place — may account for the declines in heroin use and deaths.

The Cato report's author, Greenwald, hews to the first point: that the data shows that decriminalization does not result in increased drug use. Since that is what concerns the public and policymakers most about decriminalization, he says, "that is the central concession that will transform the debate."



Portugal's drug policy pays off; US eyes lessons

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LISBON, Portugal — These days, Casal Ventoso is an ordinary blue-collar community — mothers push baby strollers, men smoke outside cafes, buses chug up and down the cobbled main street.

Ten years ago, the Lisbon neighborhood was a hellhole, a "drug supermarket" where some 5,000 users lined up every day to buy heroin and sneak into a hillside honeycomb of derelict housing to shoot up. In dark, stinking corners, addicts — some with maggots squirming under track marks — staggered between the occasional corpse, scavenging used, bloody needles.

At that time, Portugal, like the junkies of Casal Ventoso, had hit rock bottom: An estimated 100,000 people — an astonishing 1 percent of its population — were addicted to illegal drugs. So, like anyone with little to lose, the Portuguese took a risky leap: They decriminalized the use of all drugs in a groundbreaking law in 2000.

EDITOR'S NOTE — This is part of an occasional series by The Associated Press examining the U.S. struggles in its war on drugs after four decades and \$1 trillion.

Now, the United States, which has waged a 40-year, \$1 trillion war on drugs, is looking for answers in tiny Portugal, which is reaping the benefits of what once looked like a dangerous gamble. White House drug czar Gil Kerlikowske visited Portugal in September to learn about its drug reforms, and other countries — including Norway, Denmark, Australia and Peru — have taken interest, too.

"The disasters that were predicted by critics didn't happen," said University of Kent professor Alex Stevens, who has studied Portugal's program. "The answer was simple: Provide treatment."

Drugs in Portugal are still illegal. But here's what Portugal did: It changed the law so that users are sent to counseling and sometimes treatment instead of criminal courts and prison. The switch from drugs as a criminal issue to a public health one was aimed at preventing users from going underground.

Other European countries treat drugs as a public health problem, too, but Portugal stands out as the only one that has written that approach into law. The result: More people tried drugs, but fewer ended up addicted.

Here's what happened between 2000 and 2008:

- There were small increases in illicit drug use among adults, but decreases for adolescents and problem users such as drug addicts and prisoners.
- Drug-related court cases dropped 66 percent.
- Drug-related HIV cases dropped 75 percent. In 2002, 49 percent of people with AIDS were addicts; by 2008 that number fell to 28 percent.
- The number of regular users held steady at less than 3 percent of the population for marijuana and less than 0.3 percent for heroin and cocaine — figures that show decriminalization brought no surge in drug use.
- The number of people treated for drug addiction rose 20 percent from 2001 to 2008.

Portuguese Prime Minister Jose Socrates, one of the chief architects of the new drug strategy, says he was inspired partly by his own experience of helping his brother beat an addiction.

"It was a very hard change to make at the time because the drug issue involves lots of prejudices," he said. "You just need to rid yourselves of prejudice and take an intelligent approach."

Officials have not yet worked out the cost of the program, but they expect no increase in spending, since most of the money was diverted from the justice system to the public health service.

In Portugal today, outreach health workers provide addicts with fresh needles, swabs, little dishes to cook up the injectable mixture, disinfectant and condoms. But anyone caught with even a small amount of drugs is automatically sent to what is known as a Dissuasion Committee for counseling. The committees include legal experts, psychologists and social workers.

Failure to turn up can result in fines, mandatory treatment or other sanctions. In serious cases, the panel recommends the user be sent to a treatment center.

Health workers also shepherd some addicts off the streets directly into treatment. That's what happened to 33-year-old Tiago, who is struggling to kick heroin at a Lisbon rehab facility.

Tiago, who requested that his first name only be used to protect his privacy, started taking heroin when he was 20. He shot up four or five times a day, sleeping for years in an abandoned car where, with his addicted girlfriend, he fathered a child he has never seen. At the airy Lisbon treatment center where he now lives, Tiago plays table tennis, surfs the Internet and watches TV. He helps with cleaning and other odd jobs. And he's back to his normal weight after dropping to 50 kilograms (110 pounds) during his addiction. After almost six months on methadone, each day trimming his intake, he brims with hope about his upcoming move to a home run by the Catholic church where recovered addicts are offered a fresh start.

"I just ask God that it'll be the first and last time — the first time I go to a home and the last time I go through detox," he said. Portugal's program is widely seen as effective, but some say it has shortcomings.

Antonio Lourenco Martins is a former Portuguese Supreme Court judge who sat on a 1998 commission that drafted the new drug strategy and was one of two on the nine-member panel who voted against decriminalization. He admits the law has done some good, but complains that its approach is too soft.

Francisco Chaves, who runs a Lisbon treatment center, also recognizes that addicts might exploit goodwill. "We know that (when there is) a lack of pressure, none of us change or are willing to change," Chaves said.

Worldwide, a record 93 countries offered alternatives to jail time for drug abuse in 2010, according to the International Harm Reduction Association. They range from needle exchanges in Cambodia to methadone treatment in Poland.

Vancouver, Canada, has North America's first legal drug consumption room — dubbed as "a safe, health-focused place where people inject drugs and connect to health care services." Brazil and Uruguay have eliminated jail time for people carrying small amounts of drugs for personal use.

Whether the alternative approaches work seems to depend on how they are carried out. In the Netherlands, where police ignore the peaceful consumption of illegal drugs, drug use and dealing are rising, according to the European Monitoring Centre for Drugs and Drug Addiction. Five Dutch cities are implementing new restrictions on marijuana cafes after a wave of drug-related gang violence.

However, in Switzerland, where addicts are supervised as they inject heroin, addiction has steadily declined. No one has died from an overdose there since the program began in 1994, according to medical studies. The program is also credited with reducing crime and improving addicts' health.

The Obama administration firmly opposes the legalization of drugs, saying it would increase access and promote acceptance, according to drug czar Kerlikowske. The U.S. is spending \$74 billion this year on criminal and court proceedings for drug offenders, compared with \$3.6 billion for treatment.

But even the U.S. has taken small steps toward Portugal's approach of more intervention and treatment programs, and Kerlikowske has called for an end to the "War on Drugs" rhetoric.

"Calling it a war really limits your resources," he said. "Looking at this as both a public safety problem and a public health problem seems to make a lot more sense."

There is no guarantee that Portugal's approach would work in the U.S., which has a population 29 times larger than Portugal's 10.6 million.

Still, an increasing number of American cities are offering nonviolent drug offenders a chance to choose treatment over jail, and the approach appears to be working.

In San Francisco's gritty Tenderloin neighborhood, Tyrone Cooper, a 52-year-old lifelong drug addict, can't stop laughing at how a system that has put him in jail a dozen times now has him on the road to recovery.

"Instead of going to smoke crack, I went to a rehab meeting," he said. "Can you believe it? Me! A meeting! I mean, there were my boys, right there smoking crack, and Tyrone walked right past them. 'Sorry,' I told them, 'I gotta get to this meeting.'"

Cooper is one of hundreds of San Franciscans who landed in a court program this year where judges offered them a chance to go to rehab, get jobs, move into houses, find primary care physicians and even remove their tattoos. There is enough data now to show that these alternative courts reduce recidivism and save money.

Between 4 and 29 percent of drug court participants in the United States will get caught using drugs again, compared with 48 percent of those who go through traditional courts.

San Francisco's drug court saves the city \$14,297 per offender, officials said. Expanding drug courts to all 1.5 million drug offenders in the U.S. would cost more than \$13 billion annually, but would return more than \$40 billion, according to a study by John Roman, a senior researcher at the Urban Institute's Justice Policy Center.

The first drug court opened in the U.S. 21 years ago. By 1999, there were 472; by 2005, 1,250.

This year, new drug courts opened every week around the U.S., as states faced budget crises exacerbated by the high rate of incarceration for drug offenses. There are now drug courts in every state, more than 2,400 serving 120,000 people.

Last year, New York lawmakers followed their counterparts across the U.S. who have tossed out tough, 40-year-old drug laws and mandatory sentences, giving judges unprecedented sentencing options. The U.S. Department of Health and Human Services is also training doctors to screen patients for potential addiction and reimbursing Medicare and Medicaid providers who do so.

Arizona recently became the 15th U.S. state to approve medical use of marijuana, following California's 2006 legislation.

In Portugal, the blight that once destroyed the Casal Ventoso neighborhood is a distant memory.

Americo Nave, a 39-year-old psychologist, remembers the chilling stories his colleagues brought back after the first team of health workers was sent into Casal Ventoso in the late 1990s. Some addicts had gangrene, and their arms had to be amputated.

Those days are past, though there are vestiges. About a dozen frail, mostly unkempt men recently gathered next to a bus stop to get new needles and swabs in small green plastic bags from health workers, as part of a twice-weekly program. Some ducked out of sight behind walls to shoot up, and one crouched behind trash cans, trying to shield his lighter flame from the wind.

A 37-year-old man who would only identify himself as Joao said he's been using heroin for 22 years. He has contracted Hepatitis C, and recalls picking up used, bloody needles from the sidewalk. Now he comes regularly to the needle exchange.

"These teams ... have helped a lot of people," he said, struggling to concentrate as he draws on a cigarette.

The decayed housing that once hid addicts has long since been bulldozed. And this year, Lisbon's city council planted 600 trees and 16,500 bushes on the hillside.

This spring they're expected to bloom.

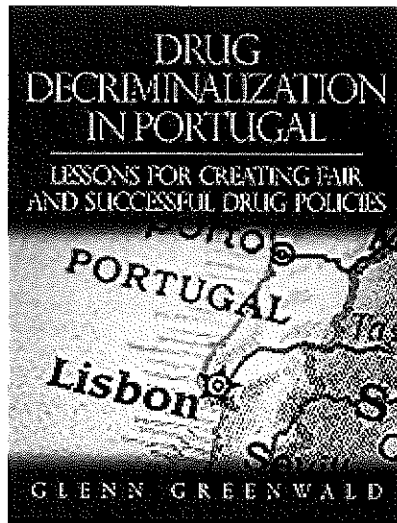
Mendoza reported from San Diego, California.

Read more: <http://www.foxnews.com/world/2010/12/26/portugals-drug-policy-pays-eyes-lessons/print#ixzz2M20eLH2P>

Drug Decriminalization in Portugal:

Lessons for Creating Fair and Successful Drug Policies

By
Glenn Greenwald
April 2, 2009



Purchase a copy from the Cato Bookstore

On July 1, 2001, a nationwide law in Portugal took effect that decriminalized all drugs, including cocaine and heroin. Under the new legal framework, all drugs were “decriminalized,” not “legalized.” Thus, drug possession for personal use and drug usage itself are still legally prohibited, but violations of those prohibitions are deemed to be exclusively administrative violations and are removed completely from the criminal realm. Drug trafficking continues to be prosecuted as a criminal offense.

While other states in the European Union have developed various forms of de facto decriminalization — whereby substances perceived to be less serious (such as cannabis) rarely lead to criminal prosecution — Portugal remains the only EU member state with a law explicitly declaring drugs to be “decriminalized.” Because more than seven years have now elapsed since enactment of Portugal’s decriminalization system, there are ample data enabling its effects to be assessed.

Notably, decriminalization has become increasingly popular in Portugal since 2001. Except for some far-right politicians, very few domestic political factions are agitating for a repeal of the 2001 law. And while there is a widespread perception that bureaucratic changes need to be made to Portugal’s decriminalization framework to make it more efficient and effective, there is no real debate about whether drugs should once again be criminalized. More significantly, none of the nightmare scenarios touted by preenactment decriminalization opponents — from rampant increases in drug usage among the young to the transformation of Lisbon into a haven for “drug tourists” — has occurred.

The political consensus in favor of decriminalization is unsurprising in light of the relevant empirical data. Those data indicate that decriminalization has had no adverse effect on drug usage rates in Portugal, which, in numerous categories, are now among the lowest in the EU, particularly when compared with states with stringent criminalization regimes. Although postdecriminalization usage rates have remained roughly the same or even decreased slightly when compared with other EU states, drug-related pathologies — such as sexually transmitted diseases and deaths due to drug usage — have decreased dramatically. Drug policy experts attribute those positive trends to the enhanced ability of the Portuguese government to offer treatment programs to its citizens — enhancements made possible, for numerous reasons, by decriminalization.

This report will begin with an examination of the Portuguese decriminalization framework as set forth in law and in terms of how it functions in practice. Also examined is the political climate in Portugal both pre- and postdecriminalization with regard to drug policy, and the impetus that led that nation to adopt decriminalization.

The report then assesses Portuguese drug policy in the context of the EU's approach to drugs. The varying legal frameworks, as well as the overall trend toward liberalization, are examined to enable a meaningful comparative assessment between Portuguese data and data from other EU states.

The report also sets forth the data concerning drug-related trends in Portugal both pre- and postdecriminalization. The effects of decriminalization in Portugal are examined both in absolute terms and in comparisons with other states that continue to criminalize drugs, particularly within the EU.

The data show that, judged by virtually every metric, the Portuguese decriminalization framework has been a resounding success. Within this success lie self-evident lessons that should guide drug policy debates around the world.

Marijuana Users Are Safer Drivers Than Non-Marijuana Users, New Study Shows

A new study released by United States auto insurance quote provider 4AutoInsuranceQuote.org shows that statistically speaking, marijuana users are safer drivers than non-marijuana users.

New York (PRWEB) April 06, 2012

In a recent study, 4AutoInsuranceQuote.org, a national quote provider for online car insurance quotes, cites a strong correlation between traffic-related accidents and marijuana use. The study, which looks at statistics regarding accidents, traffic violations, and insurance prices, seeks to dispel the thought that "driving while stoned" is dangerous.

In the study, 4AutoInsuranceQuote.org points out that the only significant effect that marijuana has on operating a motor vehicle is slower driving. 4AutoInsuranceQuote.org says, while referencing a study by the US National Highway Transportation Safety Administration (NHTSA), that driving slower "is arguably a positive thing" and that driving under the influence of marijuana "might even make you a safer driver." A similar study by the NHTSA shows that drivers with THC (the active ingredient in marijuana) in their system have accident responsibility rates below that of drug free drivers.

In fact, a recent study shows that use of medical marijuana has caused traffic related fatalities to drop by up to nine percent in states that have legalized its use. This study, titled "Medical Marijuana Laws, Traffic Fatalities, and Alcohol Consumption", conducted by Mark Anderson and Daniel Rees in November 2011, shows that increased marijuana use amongst adults has decreased alcohol related traffic deaths in said states. This study provides solid evidence that marijuana is not only a safe substitute for alcohol, but it also makes for more safer drivers.

"Marijuana users often say that when they are high, they feel like they are driving 80 miles per hour but actually are only going 30 miles per hour," 4AutoInsuranceQuote.org CEO James Shaffer says, "when somebody is drunk driving, on the other hand, they often feel like they are driving 30 miles per hour but are actually driving 80 miles per hour. This is what makes alcohol dangerous behind the wheel, and marijuana safe."

As an auto insurance quote provider, 4autoinsurancequote.org says that marijuana use can also have an indirect effect on insurance rates. Because of the correlation between marijuana use and accident responsibility rates, they say, marijuana users, as a whole, can expect to see lower insurance rates than non-marijuana users.

"The hypocrisy of it all is that if you get caught driving under the influence of marijuana, you will be fined and perhaps thrown into jail. What's worse is that your insurance rates will definitely increase due to the traffic violation," says Mr. Shaffer, "What law enforcement agencies and insurers do not understand is that driving while high is actually a safe activity. I guess the key to safer driving is to use marijuana, but to do it under-wraps."

4AutoInsuranceQuote.org is an auto insurance quote provider operating out of Manhattan, NY. In business since 2008, they offer free insurance quotes online to United States users. In addition, 4AutoInsuranceQuote.org releases reports and studies on the automobile and insurance industries. Recent reports released by them include "How Biking Instead Of Driving Can Help You Save On Auto Insurance," "How Does Your Income Affect Your Insurance Rates?" and "Women Are Bad Drivers – Fact or Fiction?"

Contact Information

James Shaffer

4AutoInsuranceQuote.org

<http://www.4autoinsurancequote.org/>

401-580-7272

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